

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 395, S. 203, I was held up with airplane problems. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. MCKINNEY. Madam Speaker, I was unavoidably delayed getting to the floor due to Delta Flight #634 being delayed due to bad weather in the area and missed rollcall vote Nos. 394 and 395 on July 24, 2006. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mrs. DAVIS of California. Madam Speaker, I missed the following two votes, Nos. 394 and 395, due to a delayed flight from San Diego. I would have voted "yea" on S. 1496 and S. 203.

IN HONOR OF THE LATE CONGRESSMAN TOM MANTON

(Mr. RANGEL asked and was given permission to address the House for 1 minute.)

Mr. RANGEL. Madam Speaker and my colleagues, last Saturday, we lost Tom Manton. Many of you worked with him and knew him as well as we did in the city of New York.

He was the son of Irish immigrants. His family came to this country. He worked as a salesman. He was a policeman for the New York City Police Department. He worked before that as a city councilman.

Most of you knew him when he came to Congress and served so well, and he was followed to the Congress by Joe Crowley. He left the Congress to become the Democratic county leader for the County of Queens and made a name for himself as he sought out black and white, Irish, Asian, Hispanic candidates for one of the most diverse political subdivisions that we have in the city of New York. He is what we call, in New York City, a "politician's politician," who was respected by Republicans as well as Democrats.

We will miss him in the city of New York, but he left a better city than the one that he inherited.

And I would like to yield to my friend and senior Republican in our New York delegation, Mr. BOEHLERT.

Mr. BOEHLERT. Madam Speaker, I thank the dean of our delegation for yielding.

I just want to say that all of us who were privileged to know and work with Tom Manton during his seven terms in this House of Representatives share a deep sense of personal loss. He was an absolutely outstanding individual. And I think Mayor Bloomberg of New York probably best described him in a very simple way. He said he was a "classy guy."

He was a guy who demonstrated in so many different ways his unflinching loyalty and his deep commitment to and faith in all of those things that he really believed in, his heritage, his religion, his party, his profession, his country, but, most of all, his family.

I think we are the lesser for Tom Manton's passing, but we are the greater because he touched our lives.

PROVIDING GRANTS TO EXPAND INFRASTRUCTURE NECESSARY TO INCREASE AVAILABILITY OF ALTERNATIVE FUELS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5534, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 5534, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 355, nays 9, not voting 68, as follows:

[Roll No. 396]

YEAS—355

| | | |
|---------------|------------------|----------------|
| Abercrombie | Chandler | Garrett (NJ) |
| Ackerman | Chocola | Gerlach |
| Aderholt | Cleaver | Gilchrest |
| Akin | Clyburn | Gillmor |
| Alexander | Coble | Gingrey |
| Allen | Cole (OK) | Gohmert |
| Baca | Conaway | Gonzalez |
| Baird | Conyers | Goode |
| Baker | Cooper | Goodlatte |
| Baldwin | Costa | Gordon |
| Barrett (SC) | Cramer | Granger |
| Barrow | Crenshaw | Graves |
| Bartlett (MD) | Crowley | Green, Al |
| Barton (TX) | Cubin | Green, Gene |
| Bass | Cuellar | Grijalva |
| Bean | Cummings | Gutknecht |
| Berkley | Davis (AL) | Hall |
| Berry | Davis (CA) | Hart |
| Biggert | Davis (IL) | Hastings (FL) |
| Bilirakis | Davis (KY) | Hastings (WA) |
| Bishop (GA) | Davis (TN) | Hayes |
| Bishop (NY) | Davis, Tom | Hayworth |
| Blackburn | Deal (GA) | Hensarling |
| Blumenauer | DeFazio | Herger |
| Blunt | Delahunt | Higgins |
| Boehlert | DeLauro | Hinchey |
| Boehner | Dent | Hobson |
| Bonilla | Diaz-Balart, L. | Holden |
| Bonner | Diaz-Balart, M. | Holt |
| Bono | Dicks | Hooley |
| Boozman | Dingell | Hoyer |
| Boren | Doggett | Hulshof |
| Boswell | Doolittle | Hunter |
| Boucher | Doyle | Hyde |
| Boustany | Drake | Inglis (SC) |
| Bradley (NH) | Dreier | Inslee |
| Brady (PA) | Edwards | Israel |
| Brown (SC) | Ehlers | Jackson (IL) |
| Brown-Waite, | Emanuel | Jenkins |
| Ginny | Emerson | Jindal |
| Burgess | Engel | Johnson (CT) |
| Burton (IN) | English (PA) | Johnson (IL) |
| Butterfield | Eshoo | Johnson, E. B. |
| Buyer | Etheridge | Jones (NC) |
| Calvert | Farr | Jones (OH) |
| Camp (MI) | Fattah | Kanjorski |
| Campbell (CA) | Ferguson | Kaptur |
| Cantor | Filner | Keller |
| Capito | Fitzpatrick (PA) | Kelly |
| Capps | Foley | Kennedy (MN) |
| Capuano | Forbes | Kennedy (RI) |
| Cardin | Fortenberry | Kildee |
| Cardoza | Fossella | Kind |
| Carnahan | Frank (MA) | King (IA) |
| Castle | Franks (AZ) | Kirk |
| Chabot | Frelinghuysen | Kline |

| | | |
|-----------------|----------------|---------------|
| Knollenberg | Neugebauer | Scott (VA) |
| Kolbe | Ney | Serrano |
| Kucinich | Northup | Sessions |
| Kuhl (NY) | Norwood | Shadegg |
| LaHood | Nunes | Shaw |
| Langevin | Oberstar | Shays |
| Lantos | Obey | Sherman |
| Larsen (WA) | Oliver | Sherwood |
| Larson (CT) | Osborne | Shimkus |
| Latham | Otter | Shuster |
| LaTourette | Owens | Simmons |
| Leach | Pallone | Simpson |
| Lee | Pascrell | Skelton |
| Levin | Pastor | Slaughter |
| Lewis (CA) | Payne | Smith (NJ) |
| Lewis (GA) | Pearce | Smith (TX) |
| Lewis (KY) | Pelosi | Smith (WA) |
| Linder | Pence | Snyder |
| Lipinski | Peterson (MN) | Sodrel |
| LoBiondo | Peterson (PA) | Solis |
| Lofgren, Zoe | Petri | Souder |
| Lowey | Pickering | Spratt |
| Lucas | Pitts | Stark |
| Lungren, Daniel | Platts | Stearns |
| E. | Poe | Stupak |
| Lynch | Pombo | Sweeney |
| Mack | Pomeroy | Tancredo |
| Maloney | Porter | Tanner |
| Manzullo | Price (GA) | Tauscher |
| Marchant | Price (NC) | Taylor (MS) |
| Markey | Pryce (OH) | Taylor (NC) |
| Marshall | Putnam | Terry |
| Matsui | Radanovich | Thompson (CA) |
| McCarthy | Rahall | Thompson (MS) |
| McCollum (MN) | Ramstad | Thornberry |
| McCotter | Rangel | Tiahrt |
| McCrery | Regula | Tiberi |
| McDermott | Rehberg | Turner |
| McGovern | Reichert | Udall (NM) |
| McHugh | Reyes | Upton |
| McIntyre | Reynolds | Van Hollen |
| McKeon | Rogers (AL) | Velazquez |
| McKinney | Rogers (MI) | Visclosky |
| McNulty | Rohrabacher | Walden (OR) |
| Meehan | Ros-Lehtinen | Walsh |
| Meeks (NY) | Ross | Wamp |
| Melancon | Rothman | Wasserman |
| Mica | Roybal-Allard | Schultz |
| Michaud | Ruppersberger | Waters |
| Miller (MI) | Rush | Watson |
| Miller (NC) | Ryan (OH) | Watt |
| Miller, Gary | Ryan (WI) | Waxman |
| Miller, George | Ryun (KS) | Weldon (PA) |
| Mollohan | Salazar | Weller |
| Moore (KS) | Sánchez, Linda | Wicker |
| Moore (WI) | T. | Wilson (NM) |
| Moran (KS) | Sanders | Wilson (SC) |
| Murphy | Saxton | Wolf |
| Murtha | Schakowsky | Woolsey |
| Musgrave | Schiff | Wu |
| Myrick | Schmidt | Wynn |
| Nadler | Schwartz (PA) | Young (AK) |
| Napolitano | Schwarz (MI) | Young (FL) |
| Neal (MA) | Scott (GA) | |

NAYS—9

| | | |
|--------|-------------|---------------|
| Duncan | Fox | Royce |
| Feeney | McHenry | Sensenbrenner |
| Flake | Miller (FL) | Weldon (FL) |

NOT VOTING—68

| | | |
|----------------|-----------------|------------------|
| Andrews | Gallegly | Meek (FL) |
| Bachus | Gibbons | Millender- |
| Beauprez | Green (WI) | McDonald |
| Becerra | Gutierrez | Moran (VA) |
| Berman | Harman | Nussle |
| Bilbray | Harris | Ortiz |
| Bishop (UT) | Hefley | Oxley |
| Boyd | Herseth | Paul |
| Brady (TX) | Hinojosa | Renzi |
| Brown (OH) | Hoekstra | Rogers (KY) |
| Brown, Corrine | Honda | Sabo |
| Cannon | Hostettler | Sánchez, Loretta |
| Carson | Issa | Strickland |
| Carter | Istook | Sullivan |
| Case | Jackson-Lee | Thomas |
| Clay | (TX) | Tierney |
| Costello | Jefferson | Towns |
| Culberson | Johnson, Sam | Udall (CO) |
| Davis (FL) | Kilpatrick (MI) | Weiner |
| Davis, Jo Ann | King (NY) | Westmoreland |
| DeGette | Kingston | Wexler |
| Evans | Matheson | Whitfield |
| Everett | McCaul (TX) | |
| Ford | McMorris | |

□ 1929

So (two-thirds of those voting having responded in the affirmative) the rules

were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, I was unable to record my rollcall votes Nos. 394–396. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Speaker, on rollcall Nos. 394, 395 and 396, I was detained due to aircraft malfunction. Had I been present, I would have voted "yea" on all three rollcalls.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Monday, July 24, 2006. As a result, I was not recorded for rollcall votes Nos. 394, 395 and 396. Had I been present, I would have voted "yea" on rollcall Nos. 394, 395 and 396.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes Nos. 394, 395, and 396.

PERSONAL EXPLANATION

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I was unavoidably detained because my flight was canceled. I missed rollcall vote Nos. 394 through 396. Had I been present, I would have voted:

"Yes" on rollcall No. 394, S. 1496—"Electronic Duck Stamp Act of 2005," "yes" on rollcall No. 395, S. 203—"National Heritage Areas Act of 2005," and "yes" on rollcall No. 396, H.R. 5535—"To establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels."

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2830, the pension conference report.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed—

(1) to agree to the provisions contained in subsections (a) through (d) of section 601 of the Senate amendment (relating to prospective application of age discrimination, conversion, and present value assumption rules with respect to cash balance and other hybrid defined benefit plans) and not to agree with the provisions contained in title VII of the bill as passed the House (relating to benefit accrual standards);

(2) to agree to the provisions contained in section 413 of the Senate amendment (relating to computation of guaranteed benefits of airline pilots required to separate from service prior to attaining age 65), but only with respect to plan terminations occurring after September 11, 2001;

(3) to agree to the provisions contained in section 403 of the Senate amendment (relating to special funding rules for plans maintained by commercial airlines that are amended to cease future benefit accruals);

(4) to agree to the provisions contained in section 402 of the Senate amendment (relating to authority to enter alternative funding agreements to prevent plan terminations); and

(5) to recede to the provisions contained in the Senate amendment regarding restrictions on funding of nonqualified deferred compensation plans, except that—

(A) to the maximum extent possible within the scope of the conference, the managers on the part of the House shall insist that the restrictions under the bill as reported from conference regarding executive compensation, including under nonqualified plans, be the same as restrictions under the bill regarding benefits for workers and retirees under qualified pension plans,

(B) the managers on the part of the House shall insist that the definition of "covered employee" for purposes of such provisions contained in the Senate amendment include the chief executive officer of the plan sponsor, any other employee of the plan sponsor who is a "covered employee" within the meaning of such term specified in the provisions contained in the Senate amendment (applied by disregarding the chief executive officer), and any other individual who is, with respect to the plan sponsor, an officer or employee within the meaning of section 16(b) of the Securities Exchange Act of 1934, and

(C) in lieu of the effective date specified in such provisions contained in the Senate amendment, the managers on the part of the House shall insist on the effective date specified in the provisions of the bill as passed the House relating to treatment of nonqualified deferred compensation plans when the employer's defined benefit plan is in at-risk status.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1956, BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–595) on the resolution (H. Res. 939) providing for consideration of the bill (H.R. 1956) to regulate certain State taxation of interstate commerce; and for other purposes, which was referred to the House Calendar and ordered to be printed.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 4157, HEALTH INFORMATION TECHNOLOGY PROMOTION ACT OF 2005

Mr. GINGREY. Mr. Speaker, the Committee on Rules may meet later this week to grant a rule which could limit the amendment process for floor consideration of H.R. 4157, the Health Information Technology Promotion Act of 2005.

The bill was ordered reported by the Committee on Energy and Commerce on June 15, 2006. Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H-312 of the Capitol by 11 a.m. on Wednesday, July 26, 2006.

Members should draft their amendments to the text of the amendment in the nature of a substitute posted on the Web site of the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office for the Parliamentarian to be certain their amendments comply with the Rules of the House.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. KUHLMANN of New York) laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, July 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Enclosed please find the resolutions approved by the Committee on Transportation and Infrastructure on July 19, 2006, in accordance with 40 U.S.C. § 3307.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

ALTERATION—IRS ENTERPRISE COMPUTING
CENTER, MARTINSBURG, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for the design of the alteration of the Internal Revenue Service Enterprise Computing Center located in Martinsburg, West Virginia, at a design and review cost of \$2,893,000, for which a prospectus is attached to, and included in, this resolution.

Approval of this resolution also constitutes authority to perform prospectus level interim repairs as deemed necessary, to maintain the continued operation of the building until the project is completed.